

**ASSEMBLY BILL**

**No. 1208**

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**Introduced by Assembly Member Logue**

February 27, 2009

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An act to add Section 2912.5 to the Penal Code, relating to alien inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1208, as introduced, Logue. Illegal alien inmates.

Existing law requires the Board of Parole Hearings to encourage eligible foreign born inmates to apply for return to his or her nation of citizenship as provided in federal treaties.

This bill would provide that except as otherwise provided by law, if a nonviolent, illegal alien inmate agrees to waive his or her right to appeal his or her conviction and agrees not to contest a final order of removal, the inmate may qualify for immediate deportation, provided however, that any waiver expressly provides that the inmate agrees to be subject to the jurisdiction of the Department of Corrections and Rehabilitation and that if the inmate returns to California without authorization, the inmate shall be subject to incarceration for the remainder of any sentence previously imposed.

The bill would also express the intent of the Legislature that the Department of Corrections and Rehabilitation enter into a cooperative agreement with federal Immigration and Customs Enforcement (ICE) to create the California - ICE Partnership for Rapid REPAT, where "REPAT" is the Rapid Removal of Eligible Parolees Accepted for Transfer. The bill would express the further intent of the Legislature that the department work with ICE to obtain inmate citizenship records,

identify illegal aliens in the prison system, and expedite deportation of all illegal alien inmates convicted of nonviolent offenses.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature that the  
2 Department of Corrections and Rehabilitation enter into a  
3 cooperative agreement with federal Immigration and Customs  
4 Enforcement (ICE) to create the California - ICE Partnership for  
5 Rapid REPAT, where “REPAT” is the Rapid Removal of Eligible  
6 Parolees Accepted for Transfer. It is also the intent of the  
7 Legislature that the department work with ICE to obtain inmate  
8 citizenship records, identify illegal aliens in the prison system, and  
9 expedite deportation of all illegal alien inmates convicted of  
10 nonviolent offenses.

11 SEC. 2. Section 2912.5 is added to the Penal Code, to read:

12 2912.5. Except as otherwise provided by law, if a nonviolent,  
13 illegal alien inmate agrees to waive his or her right to appeal his  
14 or her conviction and agrees not to contest a final order of removal,  
15 the inmate may qualify for immediate deportation, provided  
16 however, that any waiver expressly provides that the inmate agrees  
17 to be subject to the jurisdiction of the Department of Corrections  
18 and Rehabilitation and that if the inmate returns to California  
19 without authorization, the inmate shall be subject to incarceration  
20 for the remainder of any sentence previously imposed.